

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

JENNIFER L. MILLER,

Plaintiff,

v.

MICHAEL J. ANDERSON, et al.,

Defendants,

and

FIRSTENERGY CORP.,

Nominal Defendant.

Case No. 5:20-cv-01743-JRA

Judge John R. Adams

Magistrate Judge Carmen E. Henderson

---

**INITIAL DISCLOSURES OF DEFENDANT DENNIS M. CHACK**

Pursuant to Federal Rule of Civil Procedure 26(a)(1), Defendant Dennis M. Chack (“Mr. Chack”) makes the following initial disclosures based on the information currently and reasonably available to him. Mr. Chack reserves the right to supplement or amend these initial disclosures pursuant to Federal Rule of Civil Procedure 26(e).

**A. Rule 26(a)(1)(A)(i): Individuals Likely To Have Discoverable Information That Mr. Chack May Use To Support His Defenses.**

Based on Mr. Chack’s present understanding of the allegations in the Intervenor’s Verified Shareholder Derivative Complaint (“Complaint”) (ECF No. 75),<sup>1</sup> Mr. Chack identifies the following individuals as likely to have discoverable information that Mr. Chack may use to support

---

<sup>1</sup> Pursuant to the Court’s September 30, 2021 order (ECF No. 124), the complaint filed by Plaintiffs Employees Retirement System of the City of St. Louis and Electrical Workers Pension Fund, Local 103, I.B.E.W. on June 3, 2021 (ECF No. 75) is the operative complaint in this action.

his defenses, unless the use would be solely for impeachment. In making the following disclosures, Mr. Chack does not intend to waive and hereby expressly reserves any legally applicable privilege with respect to the testimony of these individuals. This identification of individuals is based on Mr. Chack's reasonable investigation to date and is subject to revision based on subsequent developments in the proceedings.

The inclusion of a name on this list is not a statement by Mr. Chack that a named individual necessarily has discoverable information or that seeking discovery from such an individual would be appropriate; to the contrary, all such objections are preserved. This list does not include experts and/or consultants who might be retained. In making these disclosures, Mr. Chack does not waive his right to object, pursuant to the applicable Federal and Local Rules, to the deposition or other testimony of any individual or entity, including those identified below.

Each individual listed below is identified in the Complaint and in media coverage and may have information about, among other things, the statements or actions of FirstEnergy Corp. ("FirstEnergy"), the passage of House Bill 6, and/or other facts related to the allegations set forth in the Complaint. Mr. Chack does not presently have contact information for the non-parties identified below, but believes that it may be obtained from one or more of the other parties to this action.

1. Any parties to this matter (contact through counsel of record)
2. Larry Householder
3. Juan Cespedes
4. Matt Borges
5. The Estate of Neil Clark
6. Jeff Longstreth

7. Samuel Randazzo

In addition, Mr. Chack states that various other individuals may have discoverable information that Mr. Chack may use to support his defenses, including individuals identified in Plaintiffs' or in any other party's Rule 26(a)(1) initial disclosures, written discovery requests or responses, or in any amendment or supplement to the foregoing. Mr. Chack reserves the right to modify the foregoing list and to identify and call as witnesses additional persons if, during the course of discovery and investigation relating to this case, Mr. Chack learns that such additional persons have knowledge or information that Mr. Chack may use to support his defenses.

**B. Rule 26(a)(1)(A)(ii): Description Of Documents That Mr. Chack May Use To Support His Defenses.**

The following are descriptions, by category, of documents, data compilations, and tangible things that Mr. Chack may use to support its defenses in this lawsuit, unless the use would be solely for impeachment. This list of documents shall not be construed to imply or suggest that Mr. Chack has access to, custody, or control over any such documents.

1. Documents in the possession, custody, or control of FirstEnergy concerning the underlying factual allegations set forth in the Complaint;
2. Documents in other Defendants' possession, custody, or control concerning the underlying factual allegations set forth in the Complaint;
3. Documents in Plaintiffs' possession, custody, or control, concerning the underlying factual allegations set forth in the Complaint;
4. Public transcripts or recordings of statements concerning the underlying factual allegations set forth in the Complaint;
5. News articles, media reports, public filings, and other publications concerning the underlying factual allegations set forth in the Complaint; and
6. Documents referenced in and/or attached to filings in this action.

Mr. Chack incorporates by reference all documents, electronically stored information, and tangible things disclosed by Plaintiffs and co-Defendants in their respective Rule 26(a)(1)

disclosures, or in any amendment or supplement to any of the foregoing, to the extent they contain information that Mr. Chack may use to support his defenses. Mr. Chack reserves the right to object to the relevance or admissibility of any documents if offered by Plaintiffs for any purpose.

Mr. Chack's evaluation of documents relevant to this matter and information that he may use to support his defenses is ongoing, and Mr. Chack expressly reserves the right to supplement this identification of documents in accordance with the Federal and Local Rules. In addition to any documents that Mr. Chack produces, Mr. Chack may rely on publicly available documents and on documents produced by Plaintiffs, co-Defendants, or third parties to support his defenses. Mr. Chack makes this disclosure without waiver of any privileges or work product protection. Moreover, production of any of these documents does not constitute a waiver to any objection or an admission that they are necessarily relevant or otherwise admissible in evidence.

**C. Rule 26(a)(1)(A)(iii): Computation of Damages**

Mr. Chack does not seek damages at this time, but reserves the right to assert any appropriate counterclaims or to seek available attorneys' fees and costs in an amount to be determined at the conclusion of this litigation.

**D. Rule 26(a)(1)(A)(iv): Insurance Agreements**

The insurance policies providing coverage for Mr. Chack with respect to the claims alleged are in the custody and control of FirstEnergy.

**E. Reservation of Rights**

Mr. Chack reserves the right to supplement and/or amend these disclosures, either through additional disclosures or through discovery responses. By making these initial disclosures, Mr. Chack in no way concedes the relevance or admissibility of any of the foregoing information, and

does not waive the assertion of any applicable privileges and/or other proper bases upon which information and/or documents may be withheld as discovery continues.

Dated: October 25, 2021

Respectfully submitted,

/s/ Laura H. McNally

Douglas M. Mansfield (0063443)  
LAPE MANSFIELD NAKASIAN & GIBSON, LLC  
9980 Brewster Lane, Suite 150  
Powell, OH 43065  
Telephone: (614) 763-2316  
Email: dmansfield@lmng-law.com

Michael L. Kichline (*pro hac vice*)  
Laura H. McNally (*pro hac vice*)  
MORGAN, LEWIS & BOCKIUS LLP  
1701 Market Street  
Philadelphia, PA 19103-2921  
Telephone: (215) 963-5000  
Facsimile: (215) 963-5001  
Email: michael.kichline@morganlewis.com  
Email: laura.mcnally@morganlewis.com

*Attorneys for Defendant Dennis M. Chack*

**CERTIFICATE OF SERVICE**

I hereby certify that on the 25th day of October, 2021, the foregoing was served via electronic mail upon the following:

Alan L. Rosca (0084100)  
Goldman Scarlato & Penny, P.C.  
23250 Chagrin Blvd., Ste. 100  
Beachwood, OH 44122  
Telephone: 216-570-0097  
Email: rosca@lawgsp.com

Marc H. Edelson (*pro hac vice*)  
Eric Lechtzin (*pro hac vice*)  
EDELSON LECHTZIN LLP  
3 Terry Drive, Ste. 205  
Newtown, PA 18940  
Telephone: 215-867-2399  
Facsimile: 267-685-0676  
Email: medelson@edelson-law.com  
elechtzin@edelson-law.com

Paul J. Scarlato (*pro hac vice* forthcoming)  
Goldman Scarlato & Penny, P.C.  
161 Washington Street, Ste. 1025  
Conshohocken, PA 19428  
Telephone: 484-342-0700  
Email: scarlato@lawgsp.com

*Attorneys for Plaintiff Jennifer L. Miller*

Geoffrey J. Ritts (0062603)  
Robert S. Faxon (0059678)  
JONES DAY  
901 Lakeside Avenue  
Cleveland, OH 44114  
Telephone: 216-586-3939  
Facsimile: 216-579-0212  
Email: gjritts@jonesday.com  
rfaxon@jonesday.com

Marjorie P. Duffy (0083452)  
Jordan M. Baumann (0093844)  
JONES DAY  
325 John H. McConnell Blvd., Ste. 600  
Columbus, OH 43215-5017  
Telephone: 614-469-3939  
Facsimile: 614-461-4198  
Email: mpduffy@jonesday.com  
jbaumann@jonesday.com

*Attorneys for Defendants Michael J. Anderson, Steven J. Demetriou, Julia L. Johnson, Donald T. Misheff, Thomas N. Mitchell, James F. O'Neil III, Christopher D. Pappas, Sandra Pianalto, Luis A. Reyes, Leslie M. Turner, Steven E. Strah, and K. Jon Taylor*

Daniel R. Warren (0054595)  
Carole S. Rendon (0070345)  
Douglas Shively (0094065)  
Jeremy S. Dunnaback (0098129)  
BAKER & HOSTETLER LLP  
127 Public Square, Ste. 2000  
Cleveland, OH 44114  
Telephone: 216-861-7420  
Facsimile: 216-696-0740  
Email: dwarren@bakerlaw.com  
crendon@bakerlaw.com  
dshively@bakerlaw.com  
jdunnaback@bakerlaw.com

Francis Joseph Warin (*pro hac vice*)  
William S. Scherman (*pro hac vice*)  
Jason J. Mendro (*pro hac vice*)  
Christopher W.H. Sullivan (0084133)  
GIBSON, DUNN & CRUTCHER LLP  
1050 Connecticut Avenue, NW  
Washington, DC 20036  
Telephone: 202-887-3609  
Facsimile: 202-530-9608  
Email: fwarin@gibsondunn.com  
wscherman@gibsondunn.com  
jmendro@gibsondunn.com  
csullivan@gibsondunn.com

*Attorneys for Defendant Charles E. Jones*

John F. McCaffrey (0039486)  
John A. Favret, III (0080427)  
TUCKER ELLIS LLP  
950 Main Avenue, Ste. 1100  
Cleveland, OH 44113  
Telephone: 216-592-5000  
Facsimile: 216-592-5009  
Email: john.mccaffrey@tuckerellis.com  
John.favret@tuckerellis.com

*Attorneys for Defendant Michael J. Dowling*

Kerin L. Kaminski (0013522)  
Karen L. Giffen (0042663)  
Kathleen A. Nitschke (0073397)  
GIFFEN & KAMINSKI  
1300 East Ninth Street, Ste. 1600  
Cleveland, OH 44114  
Telephone: 216-621-5161  
Facsimile: 216-621-2399  
Email: kgiffen@thinkgk.com  
knitschke@thinkgk.com  
kkaminski@thinkgk.com

John G. Gleeson (*pro hac vice*)  
Maeve O' Connor (*pro hac vice*)  
Susan Reagan Gittes (*pro hac vice*)  
DEBEVOISE & PLIMPTON  
919 Third Avenue  
New York, New York 10022  
Telephone: 212-909-6000  
Facsimile: 212-909-6836  
Email: jgleeson@debevoise.com  
mloconnor@debevoise.com  
srgittes@debevoise.com

*Attorneys for the Special Litigation  
Committee of the Board of Directors of  
Nominal Defendant First Energy  
Corporation*

Marcella L. Lape (0077803)  
Gail E. Lee (*pro hac vice*)  
SKADDEN, ARPS, SLATE,  
MEAGHER, FLOM LLP  
155 North Wacker Drive, Ste. 2700  
Chicago, IL 60606  
Telephone: 312-407-0700  
Facsimile: 312-407-0711  
Email: marcella.lape@skadden.com  
gail.lee@skadden.com

*Attorneys for Defendant Ebony Yeboah-  
Amankwah*

John C. Fairweather (0018216)  
Lisa S. Delgrosso (0064938)  
BROUSE MCDOWELL  
388 South Main Street, Ste. 500  
Akron, OH 44311  
Telephone: 330-535-5711  
Facsimile: 330-253-8601  
Email: jfairweather@brouse.com  
ledelgrosso@brouse.com

Steven S. Scholes (*pro hac vice*)  
David S. Rosenbloom (*pro hac vice*)  
Paul Helms (*pro hac vice*)  
MCDERMOTT, WILL, & EMERY, LLP  
444 West Lake Street, Ste. 4000  
Chicago, IL 60606-0029  
Telephone: 312-372-2000  
Facsimile: 312-984-7700  
Email: sscholes@mwe.com  
drosenbloom@mwe.com  
phelms@mwe.com

*Attorney for Defendant Robert P. Reffner*

Jeroen Van Kwawegen (*pro hac vice*)  
BERNSTEIN LITOWITZ BERGER &  
GROSSMANN LLP  
1251 Avenue of the Americas, Ste. 44th Fl.  
New York, NY 10020  
Telephone: 212-554-1472  
Email: jeroen@blbglaw.com

Thomas Curry (*pro hac vice*)  
Saxena White P.A.  
1000 N. West Street, Suite 1200  
Wilmington, DE 19801  
Telephone: 302-485-0480  
Email: tcurry@saxenawhite.com

*Co-Lead Counsel for Intervenor*

Jeremy R. Teaberry (0082870)  
Timothy D. Katsiff (*pro hac vice*)  
David L. Axelrod (*pro hac vice*)  
Emilia McKee Vassallo (*pro hac vice*)  
BALLARD SPAHR LLP  
1735 Market Street, 51st Fl.  
Philadelphia, PA 19103-7599  
Telephone: 215-665-8500  
Facsimile: 215-864-8999  
Email: teaberryj@ballardspahr.com  
katsift@ballardspahr.com  
axelrodd@ballardspahr.com  
mckeevassallor@ballardspahr.com

*Attorneys for Defendant James F.  
Pearson*

John C. Camillus (0077435)  
LAW OFFICES OF JOHN C.  
CAMILLUS LLC  
P.O. Box 141410  
Columbus, OH 43214  
Telephone: 614-992-1000  
Facsimile: 614-559-6731  
Email: jcamillus@camilluslaw.com

*Liason Counsel for Intervenor*

Richard A. Speirs  
Amy R. Miller  
Cohen Milstein Sellers & Toll LLC  
88 Pine Street, Ste. 14th Fl.  
New York, NY 10005  
Telephone: 212-838-7797  
Email: rspeirs@cohenmilstein.com  
amiller@cohenmilstein.com

*Additional Counsel for Intervenor*



/s/ Laura H. McNally  
Laura H. McNally (*pro hac vice*)

*One of the attorneys for Defendant  
Dennis M. Chack*